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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

KIMBERLY DEVEER, surviving spouse)
and wrongful death personal)
Representative of DANIEL DEBEER,)
deceased,)
Plaintiff,)
v.) Docket 23-cv-33
AMAZON LOGISTICS, INC., d/b/a)
PRIME, AMAZON.COM, INC.,)
AMAZON.COM SERVICES LLC,)
AAF555 LLC, NORTHWEST EXPRESS)
LLC, ASD EXPRESS, LLC and)
JUSTIN NZARAMBA)
Defendants.)

ANSWER

COMES NOW the Defendant, AAF555 LLC, by and through counsel, Zenith S. Ward of Buchhammer & Ward, P.C., and answers and responds to Plaintiff's *Complaint* as follows:

1. Answering paragraph 1, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.
2. Answering paragraph 2, Defendant admits the allegations contained therein.
3. Answering paragraph 3, Defendant denies the allegations contained

therein.

4. Answering paragraph 4, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

5. Answering paragraph 5, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

6. Answering paragraph 6, Defendant stats that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

7. Answering paragraph 7, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

8. Answering paragraph 8, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

9. Answering paragraph 9, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

10. Answering paragraph 10, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

11. Answering paragraph 11, Defendant states that they are generally without

knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

12. Answering paragraph 12, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

13. Answering paragraph 13, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

14. Answering paragraph 14, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

15. Answering paragraph 15, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

16. Answering paragraph 16, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

17. Answering paragraph 17, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

18. Answering paragraph 18, Defendant denies the allegations contained therein.

19. Answering paragraph 19, Defendant admits the allegations contained

therein.

20. Answering paragraph 20, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

21. Answering paragraph 21, Defendant denies the allegations contained therein.

22. Answering paragraph 22, Defendant states the allegations are legal conclusions to which no response is required, and otherwise that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

23. Answering paragraph 23, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

24. Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

25. Answering paragraph 25, Defendant admits the allegations contained therein.

26. Answering paragraph 26, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

27. Answering paragraph 27, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

28. Answering paragraph 28, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

29. Answering paragraph 29, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

30. Answering paragraph 30 Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

31. Answering paragraph 31, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

32. Answering paragraph 32, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

33. Answering paragraph 33, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

34. Answering paragraph 34, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

35. Answering paragraph 35, Defendant states that they are generally without

knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

36. Answering paragraph 36, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

37. Answering paragraph 37, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

38. Answering paragraph 38, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

39. Answering paragraph 39, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

40. Answering paragraph 40, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

41. Answering paragraph 41, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

42. Answering paragraph 42, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

43. Answering paragraph 43, and subparagraphs therein, Defendant denies the allegations contained therein.

44. Answering paragraph 44, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

45. Answering paragraph 45, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

46. Answering paragraph 46, Defendant denies the allegations contained therein.

47. Answering paragraph 47, Defendant admits the allegations contained therein .

48. Answering paragraph 48, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

49. Answering paragraph 49, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

50. Answering paragraph 50, Defendant denies the allegations contained therein.

51. Answering paragraph 51, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

52. Answering paragraph 52, Defendant denies the allegations contained therein. Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

53. Answering paragraph 53, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

54. Answering paragraph 54, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

55. Answering paragraph 55, Defendant admits the allegations contained therein.

56. Answering paragraph 56, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

57. Answering paragraph 57, Defendant denies the allegations contained therein.

58. Answering paragraph 58, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

59. Answering paragraph 59, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

60. Answering paragraph 60, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

61. Answering paragraph 61, Defendant denies the allegations contained therein.

62. Answering paragraph 62, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

63. Answering paragraph 63, Defendant admits the allegations contained therein.

64. Answering paragraph 64, Defendant denies the allegations contained therein.

65. Answering paragraph 65, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

66. Answering paragraph 66, Defendant admits the allegations contained therein.

67. Answering paragraph 67, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

68. Answering paragraph 68, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

69. Answering paragraph 69, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

70. Answering paragraph 70, Defendant denies the allegations contained therein.

71. Answering paragraph 71, Defendant admits the allegations contained therein.

72. Answering paragraph 72, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

73. Answering paragraph 73, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

74. Answering paragraph 74, Defendant admits the allegations contained therein.

75. Answering paragraph 75, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

76. Answering paragraph 76, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

77. Answering paragraph 77, Defendant states that the allegations contain legal conclusions to which no response is required, and otherwise Defendants are generally

without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

78. Answering paragraph 78, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

79. Answering paragraph 79, Defendant denies the allegations contained therein.

80. Answering paragraph 80, Defendants restate their responses to each of the paragraphs incorporated therein.

81. Answering paragraph 81, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

82. Answering paragraph 82, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

83. Answering paragraph 83, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

84. Answering paragraph 84, Defendants restate their responses to each of the paragraphs incorporated therein.

85. Answering paragraph 85, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

86. Answering paragraph 86, and all subparagraphs therein, Defendant denies the allegations contained therein.

87. Answering paragraph 87, Defendant denies the allegations contained therein.

88. Answering paragraph 88, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

89. Answering paragraph 89, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

90. Answering paragraph 90, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

91. Answering paragraph 91, Defendant denies the allegations contained therein.

92. Answering paragraph 92, Defendants restate their responses to each of the paragraphs incorporated therein.

93. Answering paragraph 93, Defendant admits the allegations contained therein.

94. Answering paragraph 94, Defendant admits the allegations contained therein.

95. Answering paragraph 95, Defendant denies the allegations contained therein.

96. Answering paragraph 96, Defendant admits the allegations contained therein.

97. Answering paragraph 97, Defendant denies the allegations contained therein.

98. Answering paragraph 98, and all subparagraphs therein, Defendant denies the allegations contained therein.

99. Answering paragraph 99, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

100. Answering paragraph 100, Defendant denies the allegations contained therein.

101. Answering paragraph 101, Defendants restate their responses to each of the paragraphs incorporated therein.

102. Answering paragraph 102, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

103. Answering paragraph 103, Defendant states that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

AFFIRMATIVE DEFENSES

1. Defendant denies each and every other allegation of Plaintiff's *Complaint* not specifically admitted herein.

2. As a further and separate defense, Defendant alleges that none of their acts

or omissions were the cause of the accident, injuries or damages alleged in Plaintiff's *Complaint*.

3. As a further and separate defense, Defendant alleges that the accident, injuries, and damages complained of in Plaintiff's *Complaint* may have been the result of the sole negligence of Plaintiff.

4. As a further and separate defense, Defendant alleges that Plaintiff may have been comparatively at fault for the claimed accident, injuries, and damages, and that if Plaintiff has any comparative fault, Defendants have no liability for that fault and Plaintiff's damages, if any, must be reduced in proportion to the share of Plaintiff's own fault.

5. As a further and separate defense, Defendant alleges that if there was any negligence by Plaintiff, that negligence was greater than any negligence on the part of Defendant, thus barring recovery by Plaintiff.

6. As a further and separate defense, Defendant alleges that the acts or omissions of the Defendants were not the proximate cause of Plaintiff's injuries or damages, if any.

7. As a further and separate defense, Defendant alleges that the unreasonable acts of the Plaintiff may have been the sole cause of Plaintiff's injuries, if any.

8. As a further and separate defense, Defendant alleges that Plaintiff has failed to state a claim upon which relief can be granted.

9. As a further and separate defense, any assessment of exemplary or punitive damages violates Defendant's constitutional rights under the Fifth, Sixth, Eighth,

and Fourteenth Amendments of the United States Constitution and constitutional rights under the Wyoming Constitution, in one or more of the following respects:

- a. The guidelines, standards and instructions for assessing exemplary or punitive damages are vague, indefinite, and uncertain, supply no notice to Defendant of the potential repercussions of his alleged conduct, set no limit on damages that can be awarded, fail to require proof of every element beyond a reasonable doubt, are subject to the unbridled discretion of the jury, and do not allow adequate judicial review, thereby denying due process.
- b. Exemplary or punitive damages are criminal or penal in nature and, therefore, the rights given defendants in criminal proceedings are applicable.
- c. The assessment of exemplary or punitive damages amounts to the imposition of an excessive fine and cruel and unusual punishment.
- d. Exemplary or punitive damages expose Defendant to multiple punishment and fines for the same act.
- e. Exemplary or punitive damages constitute double jeopardy.
- f. The assessment of exemplary or punitive damages does not provide an adequate procedure for the determination of exemplary or punitive damages in violation of the equal protection and substantive due process requirements.

10. Defendants reserve the right to supplement their defenses as discovery proceeds.

WHEREFORE, Defendant prays that the Plaintiff's *Complaint* and all actions thereon be dismissed, that Defendant be awarded their attorney fees and costs, and for such other and further relief as the Court may deem just and proper.

DATED this 12th day of May, 2023.

AAF555 LLC, Defendant.

By: /s/ Zenith S. Ward
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(307) 634-2184
(307) 634-2199 - fax
zsw@wyoming.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was forwarded as noted below, this 12th day of May, 2023.

Grant H. Lawson
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259 S. Center, Suite 301
Casper, WY 82601
grant@metierlaw.com
joe@metierlaw.com

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/s/ Zenith S. Ward
Zenith S. Ward